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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1736/LA4A/76. *Dated, Trivandrum, 21st February 1976.*

The Kanam Tenancy Abolition Bill, 1976 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1976.

33/674/MC.

Fourth Kerala Legislative Assembly

Bill No. 251

THE KANAM TENANCY ABOLITION BILL, 1976

A

BILL

to provide for the abolition of the intermediary rights of jennies in lands held by kanam tenants in the Cochin area of the State.

Preamble.—WHEREAS under the Kanam Tenancy Act, 1955 the kanam tenants in the Cochin area of the State of Kerala are liable for the recurring and periodical payment of jenmikaram to their jennies;

AND WHEREAS such jennies are intermediaries between the State and cultivators and their right to receive jenmikaram is a right in land;

AND WHEREAS it is considered necessary to abolish such intermediary right and to confer on the kanam tenants full proprietory rights over their holdings;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kanam Tenancy Abolition Act, 1976.

(2) It extends to the whole of the Cochin area of the State of Kerala.

(3) It shall be deemed to have come into force on the 1st day of January, 1970.

2/673/C.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 1st day of January, 1970;

(b) "Cochin area" means the area comprising—

(i) the portion of the State of Kerala which before the 1st day of July, 1949, formed the State of Cochin excluding the enclaves absorbed in the Malabar district under the Provinces and States (Absorption of Enclaves) Order, 1950; and

(ii) the enclaves which formed part of the Malabar district absorbed in the State of Travancore-Cochin under the said Order;

(c) the expressions "cultivating tenant", "the holder of a kudiyiruppu" and "wakf" shall have the meanings respectively assigned to them in the Kerala Land Reforms Act, 1963 (1 of 1964);

(d) the expressions "holding", "jenmi", "jenmikaram" and "kanam" shall have the meanings respectively assigned to them in the Kanam Tenancy Act, 1955 (XXIV of 1955);

(e) the expression "institution of a public nature" shall include a public trust and a wakf;

(f) "kanam tenant" means a person who holds land on kanam tenure and includes—

(i) the heir, assignee or legal representative of such person; or

(ii) a cultivating tenant or holder of a kudiyiruppu in whom the right, title and interest of such person have vested under the provisions of the Kerala Land Reforms Act, 1963 (1 of 1964);

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Settlement Officer" means the Settlement Officer appointed under section 23.

CHAPTER II

Abolition of jenmikaram

3. *Jenmikaram to be abolished.*—(1) Notwithstanding anything contained in any law or in any contract, with effect on and from the appointed day, the jenmi shall not have the right to receive payment of jenmikaram and the kanam tenant shall have no

liability to pay any jenmikaram to the jenmi, and the right to receive payment of, and the liability to pay, jenmikaram shall stand extinguished.

(2) Every jenmi whose right to receive payment of jenmikaram has been extinguished under sub-section (1), shall be entitled to receive and be paid by the Government the amount or amounts specified in section 4.

4. *Amount payable for extinguishment of right to receive jenmikaram.*—(1) The Government shall pay to every jenmi, other than a religious or charitable institution of a public nature, whose right to receive payment of jenmikaram has been extinguished, an amount equal to eight and one-third times the aggregate of the annual amount of jenmikaram payable to him immediately before the appointed day after deducting a sum equal to five per cent of the said aggregate, on account of collection charges.

(2) The amount payable under sub-section (1) shall be deemed to have accrued due from the appointed day and interest thereon shall be payable at the rate of four and a half per centum per annum from the appointed day till the date of payment of the amount, in case the amount is paid in cash or till the date of redemption of the bonds; if the amount is paid in Government bonds.

(3) Where the jenmi whose right to receive payment of jenmikaram has been extinguished is, at the commencement of this Act, a religious or charitable institution of a public nature, the Government shall pay to the institution every year an amount equal to the balance arrived at after deducting from the jenmikaram which such institution was entitled to receive immediately before the appointed day, five per centum of such jenmikaram towards collection charges.

Explanation.—If any question arises as to whether an institution is a religious or charitable institution of a public nature, it shall be decided by the Government after such inquiry as they deem fit, and their decision thereon shall be final.

(4) Notwithstanding anything contained in this section if jenmikaram has been received by or on behalf of any jenmi for any period commencing on the appointed day, it shall be deducted from and adjusted against the amount payable under sub-section (1) or sub-section (3), as the case may be.

5. *Mode of payment of amount due under section 4 (1).*—The amount payable to a jenmi, other than a religious or charitable institution of a public nature, under sub-section (1) of section 4, may be paid either in cash or in Government bonds carrying

interest at the rate of four and a half per centum per annum and redeemable at the expiration of six years from the date of issue of the bonds, or partly in cash and partly in such bonds, as may be prescribed.

6. *Interim payment.*—(1) Where there is delay in the assessment or payment of the amount payable under sub-section (1) of section 4, or the annuity payable under sub-section (3) of that section, the Government may direct payment of such amount as may be prescribed by way of interim relief:

Provided that if the amount payable under the said sub-section (1) or the annuity payable under the said sub-section (3), as the case may be, payable to a jenmi has not been determined in accordance with the provisions of this Act before the expiry of one year from the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette, the Government shall, on the application of the jenmi concerned, direct the interim payment under this sub-section.

(2) The amount payable under sub-section (1) shall be paid in such manner as may be prescribed and shall be deemed to be part of the amount payable under sub-section (1) of section 4 or the annuity payable under sub-section (3) of that section, as the case may be, and shall be deducted from and adjusted against it.

(3) Where there is a dispute in regard to the right to the amount or annuity payable under section 4 or any portion thereof, no interim payment shall be made under sub-section (1) of this section.

7. *Proceedings relating to assessment and payment of amounts to lie before the Settlement Officer.*—All proceedings relating to assessment of the amounts payable under sub-section (1) of section 4 or the annuity payable under sub-section (3) of that section and to the payment of the same to the persons entitled thereto shall lie before the Settlement Officer within whose jurisdiction the holding is situate.

8. *Jenmikaram register presumed to describe correctly the right, title and interest of the jenmi and kanam tenant.*—(1) Every entry in the Register of Jenmikaram prepared under the Kanam Tenancy Act, 1955 and which is valid and effective immediately before the appointed day shall, for the purpose of assessment and payment of the amount or annuity under section 4 be deemed to describe correctly the right, title and interest of every jenmi and kanam tenant in respect of the holding or part thereof to which it relates:

Provided that any modification, alteration or correction made in the register in consequence of—

(a) a decree or order of any court; or

(b) a valid transfer of a holding or part of a holding or the right to receive jenmikaram, whether by act of parties or by operation of law, on or after the appointed day and before the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette,

shall be taken into account by the Settlement Officer.

(2) Nothing contained in sub-section (1) shall preclude the Settlement Officer from correcting either on his own motion or on the application of any person interested, a clerical or arithmetical mistake or error apparent on the face of the record, if he is satisfied that such a mistake or error exists in any entry in the register:

Provided that no such correction shall be made without giving an opportunity to the party who may be affected thereby of being heard.

9. *Rolls to be prepared by the Settlement Officer.*—The Settlement Officer shall, in the manner prescribed, prepare a draft roll of every jenmi in respect of his holding, showing—

(a) the jenmikaram in respect of the holding or part thereof;

(b) the names of persons entitled to receive the jenmikaram;

(c) the kanam tenants liable to pay the jenmikaram in respect of the holding or part thereof;

(d) the amount or annuity, as the case may be, payable under this Act; and

(e) such other particulars as may be prescribed.

10. *Publication of draft roll.*—(1) After the draft roll is prepared under section 9, the Settlement Officer shall—

(a) publish a notice in such manner as may be prescribed, to the effect that the roll has been prepared and is open to inspection by any person interested;

(b) serve or cause to be served on the jenmi and the kanam tenant concerned, a notice along with a copy of the roll.

(2) The notice under sub-section (1) shall call upon all persons interested including members of the family of the jenmi claiming any portion of the amount payable under sub-section (1) of section 4,

whether by way of a share or by way of maintenance or otherwise to appear and file objections and claims within such period as may be prescribed.

(3) If any objection or claim is filed within the time prescribed, it shall be registered by the Settlement Officer who shall fix a date for hearing the same and shall give intimation to the jenmi concerned and to any other person interested who may have appeared in response to the notice under sub-section (2).

(4) On the date fixed or on any date to which the proceedings are adjourned, the Settlement Officer shall inquire into and decide the claims and objections.

(5) In hearing and deciding the objections and claims filed under sub-section (3), the Settlement Officer shall, in so far as they may be applicable, have all the powers of a civil court, and, subject to such modifications as may be prescribed, follow the procedure laid down in the Code of Civil Procedure, 1908, for the hearing and disposal of suits relating to immovable property.

11. *Orders of Settlement Officer to be deemed to be decrees of civil court.*—(1) The order of the Settlement Officer in deciding an objection or claim under section 10 or apportioning the amount payable under sub-section (1) of section 4 among the persons entitled thereto shall be deemed to be a decree of a civil court and shall contain a concise statement of the case, the points for determination, the decisions thereon and the reasons for such decision.

(2) Notwithstanding anything contained in any law, any person aggrieved by the order of the Settlement Officer may appeal within thirty days of the receipt by him of the order to the Distrcit Court having jurisdiction over the area in which the holding is situate, and the order of the District Court on such appeal shall be final.

12. *Corrections to the final rolls.*—Except as provided by or under this Act, no correction shall be made in the roll after it has become final, provided that the Settlement Officer having jurisdiction for the time being may, at any time before the payment of the amount or annuity, as the case may be, payable under section 4, either of his own motion or on application filed by a person interested, correct any clerical or arithmetical mistake or any error arising therein from any accidental slip or omission:

Provided that no such correction shall be made without giving an opportunity of being heard to the party who may be affected thereby.

13. *Payment of amount or annuity.*—(1) The amount or annuity, as the case may be, payable under section 4 shall be paid to the persons whose names have been entered in the roll as being entitled thereto.

(2) Where before any court or any authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the amount or annuity, as the case may be, payable under section 4, the court or authority may require the Settlement Officer to place at its disposal the amount or annuity so payable and thereupon the same shall be disposed of in accordance with the orders of such court or authority.

14. *Payment of amount or annuity to be full discharge of the liability to pay jenmikaram.*—The payment of the amount or annuity payable under section 4 to the jenmies or other persons entitled thereto in the manner prescribed by or under this Act shall be a full discharge of the liability for payment of jenmikaram and no further claims for jenmikaram or for payment of such amount or annuity, as the case may be, shall lie.

15. *Collection of arrears.*—(1) All arrears of jenmikaram payable under the Kanam Tenancy Act, 1955, which accrued due from any kanam tenant immediately before, and is outstanding on, the appointed day, shall be recovered as if this Act had not been passed.

(2) Notwithstanding anything contained in sub-section (1) or in any judgment, decree, or order of court, all such arrears as are referred to in that sub-section, shall be deemed to be fully discharged if the kanam tenant pays within one year from the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette, an amount equal to the arrears of jenmikaram for the one year immediately preceding the appointed day or the actual arrears outstanding on that day, whichever is less.

CHAPTER III

Recovery from kanam tenants of the amount paid to jenmies

16. *Kanam tenant liable to pay compensation.*—(1) The Government shall be entitled to collect from each kanam tenant, and each kanam tenant shall be liable to pay to the Government an amount equal to eight and one-third times the jenmikaram payable by him to his jenmi towards compensation for the extinguishment by the Government of his liability to pay jenmikaram to his jenmi

(2) Notwithstanding anything contained in sub-section (1), the jenmikaram, if any, paid by the kanam tenant in accordance with the provisions of the Kanam Tenancy Act, 1955, for any period commencing on the appointed day, shall be deducted from, and adjusted against, the compensation payable by him under that sub-section.

(3) The compensation recoverable from the kanam tenant shall, subject only to the priority of any tax or cess payable to the Government, be a first charge on the holding and shall be recovered from the kanam tenant in the manner hereinafter provided.

17. *Compensation recoverable in sixteen instalments.*—(1) The kanam tenant shall be liable to pay to the Government the compensation due from him under section 16 in sixteen equal half-yearly instalments with interest at four and a half per centum per annum, the first instalment commencing from such date as the Government may notify, provided that nothing in this sub-section shall be deemed to preclude a kanam tenant from paying at any time a larger sum than the amount of an instalment or from paying the whole amount due in one instalment.

(2) If any sum in excess of the amount of an instalment is paid, it shall be credited in reduction of the total amount due, the number of future instalments being, if necessary reduced, but no postponement of subsequent instalments shall be permitted, nor shall the alteration in the amounts of subsequent instalments allowed except in the final instalment, if such alteration is necessary to adjust the balance due.

(3) Where a kanam tenant pays the entire amount due in a lump-sum on the date on which the first instalment is payable, he shall be allowed a rebate of five per centum of the amount so paid.

18. *Payment of compensation to the nearest Treasury.*—All payments due under section 16 shall be paid in such manner as may be prescribed to the credit of the Government at the nearest Government Treasury or the Village Office within the jurisdiction of which the holding is situate or at such other place as may be prescribed.

19. *Condonation of default.*—The Government may, by general or special order notified in the Gazette, for sufficient reason, postpone the payment of any instalment of the compensation or condone the default in payment of any instalment of the compensation on the due date.

20. *Obligation of transferor and transferee to give notice of transfer.*—(1) Whenever the title of any person primarily liable to

pay the compensation under sub-section (1) of section 16 is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months—

(a) of the execution of the instrument of transfer or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed; or

(b) from the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette,

whichever is later, give notice of such transfer to the Settlement Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased has been transferred as heir or otherwise, shall give notice of such transfer to the Settlement Officer within one year of the death of the deceased or within one year from the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette, whichever is later.

(3) The notice to be given under this section shall be in such form as may be prescribed and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Settlement Officer any document evidencing such transfer or succession.

(4) Every person who does not give notice of any transfer referred to in sub-section (1) or sub-section (2) in accordance with the provisions of this section shall (in addition to any other liability which he may incur through such neglect), continue liable for the payment of the compensation in respect of the land transferred until he gives such notice or until the transfer has been recorded in the revenue registers, but nothing in this section shall be held to affect the liability of the transferee for the payment of the said compensation.

21. *Kanam tenant's liability to pay compensation in case of division of holding.*—(1) Where a holding is divided after the appointed day and before the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette, the kanam tenant shall give notice of such division to the Settlement Officer or such other officer empowered in this behalf by the Government by notification in the Gazette and the kanam tenant shall continue liable for the payment of the compensation due to the Government unless such notice has been given and the necessary entries fixing the respective liabilities have been made in the revenue records in accordance with such division.

(2) Where a holding is divided after the date of publication of the Kanam Tenancy Abolition Ordinance, 1975 in the Gazette, the kanam tenant shall continue liable for the payment of compensation due to the Government unless such division is effected with the permission of the Settlement Officer or such other officer empowered in this behalf by the Government by notification in the Gazette, and the necessary entries fixing the respective liabilities have been made in the revenue records in accordance with the division.

(3) Nothing contained in sub-section (1) or sub-section (2) shall preclude the Government from proceeding against the entire holding and recovering the amount due to the Government leaving the parties to settle their claims against each other between themselves.

22. *Compensation recoverable under the Revenue Recovery Act.*—Any amount due to the Government as arrears of compensation or otherwise may be recovered under the provisions of the Revenue Recovery Act for the time being in force, as if they were arrears of public revenue due on land.

CHAPTER IV

Miscellaneous

23. *Settlement Officer.*—The Government shall appoint as many Settlement Officers as may be necessary from among officers not below the rank of Tahsildar, for the purpose of exercising the powers and performing the functions of a Settlement Officer under this Act.

24. *Powers of Settlement Officer.*—The Settlement Officer shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses or for local investigation;

(e) requisitioning any public record or copy thereof from any court or office; and

(f) any other matter which may be prescribed.

25. *Protection of action taken under the Act.*—No Suit, prosecution or other legal proceedings shall lie against the Government or any officer for anything in good faith done or intended to be done under this Act or the rules or orders made thereunder.

26. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Settlement Officer or any other authority.

27. *Rates of commutation.*—Where the jenmikaram or any portion of it consists of paddy or other commodity it shall be commuted into money value and for the purposes of this Act the commutation rates for any commodity shall be the rates specified for that commodity in the notification issued by the Government under section 49 of the Kanam Tenancy Act, 1955 and which is in force immediately before the appointed day.

28. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act, which appears to them to be necessary for the purpose of removing the difficulty.

29. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the proportion in which the amount payable under sub-section (1) of section 4 may be paid in cash or in bonds;

(c) the extent and manner of interim payments under section 6;

(d) the manner in which rolls have to be prepared under section 9;

(e) the time within which objections and claims have to be filed under sub-section (3) of section 10;

(f) the fees to be paid in respect of applications and appeals under this Act.

(3) Every rule made under this Act and every order issued under section 28 shall be laid as soon as may be after it is

made or issued before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or order or decides that the rule or order should not be made or issued, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

30. *Amendments to Act 1 of 1964.*—In the Kerala Land Reforms Act, 1963 (1 of 1964),—

(a) in section 2,—

(i) in clause (22), the proviso shall be omitted;

(ii) in clause (40), sub-clause (c) shall be omitted;

(b) in section 30A, after the words, figures and letters "the 1st day of May, 1966", the words and figures "and before the commencement of the Kanam Tenancy Abolition Act, 1976" shall be inserted;

(c) in section 72R, in sub-section (1), before the words "and the kanam tenant shall have no liability to pay such jenmikaram", the words and figures "until the commencement of the Kanam Tenancy Abolition Act, 1976", shall be inserted;

(d) in section 112, sub-section (6) shall be omitted;

(e) in section 114, sub-section (3) shall be omitted.

31. *Repeal and saving.*—(1) The Kanam Tenancy Act, 1955 (XXIV of 1955) and the Kanam Tenancy Abolition Ordinance, 1975 (21 of 1975), are hereby repealed.

(2) Notwithstanding the repeal of the Kanam Tenancy Abolition Ordinance, 1975 (21 of 1975) by sub-section (1), anything done or any action taken under that Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

By the Kanam Tenancy Act, 1955, which is applicable to the Cochin area of the State, full proprietory rights have been conferred on the kanam tenants in respect of their holdings subject only to their liability for the payment of jenmikaram to the jenmies. The relationship between such kanam tenants and their

jenmies is governed by the Kanam Tenancy Act, 1955, and is outside the purview of the Kerala Land Reforms Act, 1963. Section 50A of the Kerala Land Reforms Act, 1963, however provides for the proportionate reduction of jenmikaram in cases where there has been a reduction in the rent payable to the kanam tenants by the cultivating tenants as a result of the determination of the fair rent under that Act. The kanam tenant is an "owner" for the purposes of the Kerala Land Reforms Act, 1963.

2. The jenmies under the Kanam Tenancy Act, 1955, are intermediaries between the State and the cultivators and their right to receive jenmikaram is a right in land. In order to conform to the all-India pattern of land reform legislation which insists on the abolition of all intermediary rights and tenures, it is proposed to abolish the intermediary right of the jenmies to receive jenmikaram under the Kanam Tenancy Act, 1955, as was done in respect of the Travancore area of the State by the enactment of the Jenmikaram Payment (Abolition) Act, 1960.

3. Pending enactment of a legislation for the above purpose, the Stay of Recovery of Arrears of Jenmikaram Act, 1975 (8 of 1975), was enacted to provide for the temporary protection of the kanam tenants and persons deriving title from them against proceedings for the recovery of arrears of jenmikaram and matters ancilliary thereto. This temporary enactment was due to expire on the 31st December, 1975. It was considered advisable to enact the proposed legislation for abolishing the rights of jenmies instead of extending the period of operation of Act 8 of 1975. As the Legislative Assembly was not in session, the Kanam Tenancy (Abolition) Ordinance, 1975 (21 of 1975) was promulgated by the Governor on the 31st day of December, 1975. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 4 of the Bill seeks to provide that the Government shall pay to every jenmi, other than a religious or charitable institution of a public nature, whose right to receive payment of jenmikaram has been extinguished, an amount equal to eight and one-third times the aggregate of the annual amount of jenmikaram payable to him immediately before the appointed day, after deducting a sum equal to five per cent of the said aggregate, on account of collection charges. The amount payable to the jenmies under the above sub-clause is estimated to be Rs. 33,95,595. This amount is recoverable from the kanam tenants under clause 16 in sixteen equal half yearly instalments as provided in clause 17.

2. Sub-clause (3) of clause 4 seeks to provide for the payment of annuity every year to religious or charitable institutions of a public nature of an amount equal to the jenmikaram which such institutions was entitled to receive immediately before the appointed day after deducting five per cent of the jenmikaram towards collection charges. The annuity payable under this sub-clause is estimated to be Rs. 48,28,895 per annum. While this liability is a perpetual recurring one part of it will be covered by the compensation payable by the Kanam tenants under clause 16.

3. Clause 6 seeks to provide for the payment of amounts by way of interim relief in certain circumstances. This amount is to be adjusted against the amount payable under clause 4 (1) or the amount payable under clause 4 (3) and therefore no additional expenditure will be involved on this account.

4. Clause 23 seeks to provide for the appointment of Settlement Officers from among officers not below the rank of Tahsildar for implementing the provisions of the legislation. Appointment of the following officers and staff may be necessary for the implementation of the legislation:—

Name of post	*Name of District for which the post is required*			*Total No. of posts*
	Palghat	*Trichur*	*Ernakulam*	
1. Tahsildar (on Rs. 495-835)	..	1	1	2
2. Dy. Tahsildar (on Rs. 405-660)	1	1	1	3
3. U. D. Clerks (on Rs. 275-525)	..	2	1	3
4. L. D. Clerks (on Rs. 230-385)	1	3	2	6
5. L. D. Typist (on Rs. 230-385)	1	1	1	3
6. Village Assistants (on Rs. 230-385)	2	4	2	[illegible]
7. Peons (on Rs. 196-265)	1	2	2	5
Total	6	14	10	30

5. The expenditure towards the pay and allowances of the above officers and staff and other establishment charges is estimated to be Rs. 4.6 lakhs annually for three years.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Explanation to clause 4(3) of the Bill seeks to empower the Government to decide whether an institution is a religious or charitable institution of a public nature. Clause 19 of the Bill seeks to empower the Government to postpone or condone the default in the payment of any instalment of the compensation on the due date, by general or special order notified in the Gazette. Clause 28 seeks to empower the Government to remove any difficulty that may arise in giving effect to the provisions of the Act, by issuing necessary orders in that behalf.

2. Clause 29 seeks to empower the Government to make rules for the purpose of carrying into effect the provisions of the Act. Such rules may provide for all matters expressly required or allowed by the Act to be prescribed, the proportion in which the amount payable to the jenmies other than religious or charitable institutions of a public nature may be paid cash or bonds, the extent and manner of interim payment under section 6, the manner in which rolls have to be prepared under section 9 and the fees to be paid in respect of applications and appeals under the Act.

3. The matters in respect of which decisions may be taken or orders may be issued or rules may be made are matters of administrative or routine nature or matters of detail. Further, the orders under section 28 and the rules, are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is thus of a normal character.

BABY JOHN.